



A BILL FOR AN ORDINANCE

RELATING TO THE HONOLULU ZOO.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to allow limited sponsorship of Honolulu Zoo exhibits or facilities.

SECTION 2. Chapter 2, Revised Ordinances of Honolulu 1990, as amended ("Executive Agencies—Additional Powers, Duties and Functions"), is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. Zoo Sponsorship Program

Sec. 2-__1 Declaration of legislative intent and findings.

In an effort to support and improve the Honolulu Zoo, it is in the best interest of the city to create and enhance relationships with the private sector, including individuals, corporations and other organizations, through sponsorship arrangements. Sponsorship arrangements are deemed not to constitute a public forum for communication and debate. The rights established by the sponsorships are established and retained at the city's discretion. Sponsorships will create alternative revenue streams that will increase the city's ability to improve and to maintain the Honolulu Zoo and/or to provide enhanced levels of service and maintenance beyond the core levels funded from the city's special events fund or general fund for the benefit of users and the community at large.

In appreciation of such support, it is the policy of the city to provide sponsors with suitable acknowledgement of their contribution. However, such recognition should adhere to the aesthetic values and purposes of the Honolulu Zoo. In addition, such recognition should not detract from the public's experience or expectation, nor should it impair the visual qualities of the Honolulu Zoo or be perceived as creating a proprietary interest.

Sec. 2-__2 Definitions.

As used in this article, unless the context otherwise requires:

"Financial contribution" means cash, goods, and/or services, paid, given or provided to the city at such time or times as set forth in the sponsorship agreement.



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"Person" means the same as defined in Section 1-4.1.

"Request for proposals" means an open competitive process whereby persons may express their interest in participating in sponsorship opportunities with the city. Requests for proposals shall include a summary of the sponsorship opportunity, benefits for participation and a description of the open and competitive procedure for expressing interest in participating in sponsorship opportunities.

"Sponsor" means a person that enters into a sponsorship agreement with the city.

"Sponsorship" means a mutually beneficial arrangement between the city and a person, wherein the person provides a financial contribution to the city in return for recognition of the sponsor, for a specified period of time, toward the construction, renovation, or maintenance of an exhibit or facility at the zoo.

"Sponsorship agreement" means a written agreement executed between the city and a sponsor governing a sponsorship, on terms and conditions acceptable to the city and the sponsor.

Sec. 2-__3 Exclusions.

This article shall not apply to:

- (a) Gifts, grants, or unsolicited donations where no sponsorship agreement exists or is required; and
- (b) Memorials and the name of a city park, site or facility subject to Sections 22-9.3 to 22-9.5.

Sec. 2-__4 Sponsorship of Honolulu Zoo exhibits or facilities.

- (a) The department of enterprise services, in consultation with the director of the Honolulu Zoo, may, through the department of budget and fiscal services, establish a Honolulu Zoo sponsorship program to allow sponsorships of exhibits or facilities within the boundaries of the Honolulu Zoo, provided that the terms of sponsorship of the exhibit or facility must include but will not be limited to:
 - (1) Designation of the specific exhibit or facility at the Honolulu Zoo being sponsored;



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- (2) The financial contribution proposed to be made for the sponsorship of the specified exhibit or facility; and
- (3) The duration of the sponsorship agreement.
- (b) The department of enterprise services may recognize the sponsor of an exhibit or facility in any city publications or city informational notices describing the exhibit or facility and may place a plaque or sign within the boundaries of the Honolulu Zoo in recognition of sponsors stating that an exhibit or facility is "sponsored by" or "made possible through the support of" the sponsor; provided that a plaque or sign in view of the general public from outside the boundaries of the Honolulu Zoo is prohibited.
- (c) Placement of sponsorship signs shall require specific authorization, and no sponsorship sign shall be intended or considered as an open, limited, or designated public forum.
- (d) Signs providing sponsorship recognition shall conform to all applicable laws, rules and regulations.
- (e) The city reserves the right to refuse to enter into any proposed sponsorship agreement.

Sec. 2-___.5 Funds received from sponsorship agreements.

All funds received from any sponsorship agreements made pursuant to this article shall be deposited into the special events fund established in Chapter 6, Article 53.

Sec. 2-___.6 Approval of sponsorship agreements.

No sponsorship agreement may be executed by the city without the approval of the city executive department designated by the mayor.

Sec. 2-___.7 Sponsorship guidelines.

- (a) The following guidelines shall apply to a sponsorship agreement:
 - (1) Signage, publications and informational notices shall conform to all applicable laws, rules and regulations.



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- (2) The sponsorship shall not confer a personal benefit, directly or indirectly, to any particular city employee or official.
- (3) The sponsorship shall not constitute an endorsement of the sponsor or its services and products, or create any proprietary interest of the sponsor in the city or Honolulu Zoo.
- (4) No materials, communications, or advertisements including, but not limited to, print, video, internet, broadcast, or display items developed to promote or communicate the sponsorship, may use the city's name, seal, or logo without express prior written approval from the city.
- (5) The sponsorship shall not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin or disability.
- (6) Signage, branding, publicity and advertising in conjunction with the sponsorship agreement shall not contain the following:
 - (A) Obscenity;
 - (B) Pornography;
 - (C) Incitement to imminent lawless action;
 - (D) Speech presenting a grave and imminent threat;
 - (E) Fighting words;
 - (F) Fraud;
 - (G) True threats;
 - (H) Defamation (libel/slander); or
 - (I) Solicitations to commit, or speech integral to, criminal conduct.
- (7) Sponsorships shall be non-exclusive, and the city shall retain the right to grant multiple sponsorships for the Honolulu Zoo.



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- (8) Sponsorships recognition benefits may include the following during the term of the agreement:
 - (A) Recognition of the sponsor for the exhibit or facility;
 - (B) Appropriate mention in media releases and promotional materials as sponsor for the exhibit or facility;
 - (C) Appropriate sponsor signage at the exhibit or facility;
 - (D) Appropriate recognition on the program website as a sponsor for the exhibit or facility; and
 - (E) Other possible benefits as negotiated.
- (9) Sponsorships may be terminated in writing at any time during the term of the sponsorship agreement when, in the sole determination of the city, the sponsorship is no longer in the best interest of the city.
- (10) The city retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship signs, affiliations and messages.
- (11) Sponsorship materials that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations, shall not be allowed.
- (b) The city shall not solicit or accept sponsorship from any potential sponsor if not deemed in the best interest of the city. In addition, sponsorships involving the following shall not be accepted:
 - (1) Persons or companies whose business is substantially derived from the sale or manufacture of tobacco, alcohol or firearms;
 - (2) Political campaign speech, or speech that supports or opposes or appears to support or oppose a ballot measure or initiative, or refers to any person in public office;
 - (3) Religious speech that advocates or opposes a religion or religious belief; and



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- (4) Entities that practice or promote discrimination based on race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin or disability.

Sec. 2-___.8 Sponsorship rules.

The city executive department designated by the mayor, in consultation with the director of the Honolulu Zoo, may adopt rules, in accordance with HRS Chapter 91, for the implementation, administration and enforcement of this article. Such rules may include, but will not be limited to the:

- (a) Facilities and exhibits that may be sponsored;
- (b) Use of the request for proposal process for selection of the sponsor;
- (c) Types of access to the commercial and/or marketing potential association with the city, including giving sponsorship credit to the sponsor, size, number, and placement of plaques or signs;
- (d) Use of city logos; and
- (e) Types of facilities and exhibits that are not eligible for sponsorship."



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **25 (2015), CD2**

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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine

Trevor Ozawa

DATE OF INTRODUCTION:

March 31, 2015
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu